

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	21 MC 101 (AKH)
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IN RE SEPTEMBER 11 LITIGATION	:	This Document Relates To:
	:	04 CV 7318 (AKH)
	:	
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**DECLARATION OF DESMOND T. BARRY, JR.**

I, DESMOND T. BARRY, JR., declare as follows:

1. I am admitted to practice before this Court, and a member of the law firm of Condon & Forsyth LLP, co-counsel for American Airlines, Inc. and AMR Corporation (collectively “American”).

2. I submit this declaration in support of American’s Motion *In Limine* to Exclude Plaintiff Cantor Fitzgerald’s Proffered Expert Report on Damages.

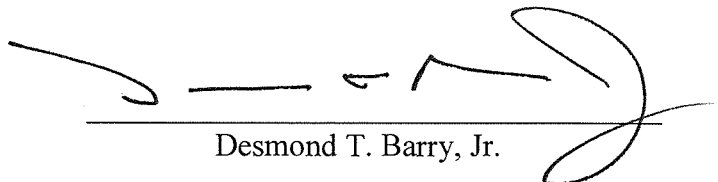
3. In support of this motion, I attach true and correct copies of the following exhibits:

<b><u>No.</u></b>	<b><u>Exhibit</u></b>
<b>A.</b>	Letter dated January 30, 2002, from Cantor Fitzgerald’s (“Cantor”) outside counsel Joseph M. Del Sindaco, Senior Managing Director, Stadtmauer Bailkin LLP, to Raymond Richardson, Senior Vice President, Empire State Development Corporation regarding Cantor, and its affiliates and subsidiaries.
<b>B.</b>	Deposition of Cantor’s damages expert, Gregory S. Thaler, dated June 3, 2010.
<b>C.</b>	Report of Cantor’s damages expert, Gregory S. Thaler, dated May 25, 2010.
<b>D.</b>	Loss Calculation Model of Cantor’s Damages Expert, Gregory S. Thaler, dated May 25, 2010.

<b>E.</b>	Excerpts from the non-fiction publication by Tom Barbash, <i>On Top of The World: Cantor Fitzgerald, Howard Lutnick, and 9/11: A Story of Loss &amp; Renewal</i> , (1st ed. Harper Collins) (2003). Mr. Barbash's book was authorized by Cantor's Chief Executive Officer, Howard Lutnick, and was introduced as defendants' Exhibit 3 at the June 3, 2010 deposition of Cantor's damages expert, Gregory S. Thaler. Certain pages of Mr. Barbash's book do not have page numbers. For the Court's convenience, page numbers have been inserted and are identified with an asterisk (*).
<b>F.</b>	eSpeed, Inc. Annual Report (Form 10-K) (March 6, 2001). This document was introduced as defendants' Exhibit 9 at the Thaler Deposition.
<b>G.</b>	Submission of Cantor Fitzgerald, L.P., eSpeed, Inc., and Tradespark L.P. to the Special Master of the September 11 <sup>th</sup> Victim Compensation Fund of 2001 and to the United States Department of Justice.
<b>H.</b>	Market share computations table prepared by Cantor's damages expert, Gregory S. Thaler. This document was introduced as defendants' Exhibit 16 at the Thaler Deposition.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
July 26, 2010

  
Desmond T. Barry, Jr.